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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/749,724	12/30/2003	Amin M. Godil	D/A3513 XERZ 2 00676	9056
27885	7590	05/08/2006	EXAMINER	
FAY, SHARPE, FAGAN, MINNICH & MCKEE, LLP 1100 SUPERIOR AVENUE, SEVENTH FLOOR CLEVELAND, OH 44114			MARTIN, LAURA E	
			ART UNIT	PAPER NUMBER
			2853	

DATE MAILED: 05/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/749,724

Applicant(s)

GODIL ET AL.

Examiner

Laura E. Martin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 2/21/06.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 December 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

Claim 4 objected to because of the following informalities: "the corresponding temperature" should be changed to "the melting temperature". Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 3-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brooks (US 5920332) in view of Jones et al (US 20020180852).

As per claims 1 and 6, Brooks teaches a method of detecting applying a predetermined amount of power to the heater for melting the solid ink stick, wherein the predetermined amount of power will generate a melting temperature of the heater when the ink stick is engaging in the heater (column 3, lines 37-56), monitoring the temperature of the heater during the applying (column 4, lines 5-8), and when the heater is determined to have a temperature selectively higher than the melting temperature, interrupting the applying of power (column 3, line 65-column 4, line 8).

As per claims 3 and 5, Brooks teaches disposing a thermistor at the heater for generating a signal representative of the heater temperature (column 4, lines 5-8).

As per claim 4, Brooks teaches a power supply for supplying energy to the heater, a control circuit for adjusting the supplied energy, and a sensor for sensing a parameter representative of the heater temperature wherein when the sensor senses the heater temperature selectively higher, the control circuit interrupts the supply of energy to the heater (column 3, line 37-column 4, line 8).

As per claims 1 and 5, Brooks does not teach non-engagement between the heater and the ink stick.

As per claim 4, Brooks does not teach a tray for holding the solid ink stick and having an open end for egress of liquid phase ink during heating; a heater disposed at the open end to contact the ink stick and wherein the tray is disposed to urge the ink stick into contact with the heater.

As per claims 1 and 5, Jones et al. teaches non-engagement between the heater and the ink stick [0034].

As per claim 4, Jones et al. teaches a tray for holding the solid ink stick (figure 1, element 16) and having an open end for egress of liquid phase ink during heating (figure 1, elements 25 A-D); a heater disposed at the open end to contact the ink stick and wherein the tray is disposed to urge the ink stick into contact with the heater [0034].

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the phasing printing system of Brooks with the disclosure of Jones et al. in order to create a higher quality printing system.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brooks (US 5920332) and Jones et al (US 20020180852), and further in view of Kanemoto et al. (US 5992991).

Brooks and Jones et al. teach a phasing printing system; however, neither teach generating the corresponding temperature to be about 110°C and the temperature higher than the corresponding temperature to be about 150°C.

Kanemoto et al. teaches generating the corresponding temperature to be about 110°C and the temperature higher than the corresponding temperature to be about 150°C (column 5, lines 38-40).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the phasing printing system of Brooks as modified with the disclosure of Kanemoto et al. in order to create a durable printing system.

Response to Arguments

Applicant's arguments with respect to claims 1-6 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura E. Martin whose telephone number is (571) 272-2160. The examiner can normally be reached on Monday - Friday, 7:00 - 3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen D. Meier can be reached on (571) 272-2149. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Laura E. Martin


5/3/06
MANISH S. SHAH
PRIMARY EXAMINER